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Senate

The Senate met at 9:31 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign God, fountain of light, Your Senators still face deep valleys and challenging mountains. Please don't remove their mountains, but give them the strength to climb them. May they discover that the power required for life's low and high places will come from You. Remind them to greet those two imposters—success and failure—with the same equanimity and faith. Help them to see that the race is not to the swift and the battle not to the strong, but true victory comes only from You. Take from them distracting worries, and give them more trust.

Lord, empower each of us today to keep our hearts pure, to keep our minds clean, to keep our words true, and to keep our deeds kind.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, following the leader time, we will begin a 1-hour period of morning business. After morning business, we will resume postcloture debate on the nomination of Priscilla Owen to be a U.S. circuit judge for the Fifth Circuit. Yesterday, the Senate invoked cloture by a vote of 81 to 18. Today at noon, we will vote up or down on the Owen nomination. Following that vote, it is my intention to proceed to the Bolton nomination. There has been a request for a large amount of time, so we would like to begin those statements right away. We will finish the Bolton nomination before the end of the week, and I thank my colleagues in advance for their participation in that important debate and the opportunity to complete that nomination confirmation this week.

JUDICIAL FILIBUSTERS

Mr. FRIST. Mr. President, the confirmation over judicial filibusters is, I believe, the greatest single constitutional issue to confront the Senate in

our lifetime. That is because this issue involves the very special and unique relationship between the Senate and the Presidency and the special relationship between the Senate and the courts. It involves all three branches of government. In addition, it involves the interaction between the minority and majority parties within the Senate.

The Senate confronts so many significant issues every month, every year, but none of them touches the grand institutions of American democracy the way this one does. The President has the constitutional obligation to appoint judges, and the Senate has the constitutional responsibility to offer its advice and consent.

For 214 years, the Senate gave every nominee brought to the floor a fair up-or-down vote. Most we accepted; some we rejected. But all of those nominees got a vote.

In the last Congress, however, the minority leadership embarked on a new and dangerous course. They routinely filibustered 10 of President Bush's appellate court nominees and threatened filibusters on 6 more. Organized and fueled by the minority leadership, these filibusters could not be broken. By filibuster, the minority denied the nominees a confirmation vote and barred the full Senate from exercising its obligation to advise and consent.

The purpose of those filibusters was clear. It was not only to keep the President's nominees off the bench; it was to wrest control of the appointments process from the President. Anyone who did not pass the minority leadership's ideological litmus test would be filibustered. That meant a minority would dictate whom the President should appoint, if he expected that nominee to get a confirmation vote in this body. That was a power grab of unprecedented proportions.

With more filibusters threatened for this Congress, the power grab would become even bolder. It would become even more entrenched. Fundamental

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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